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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,921	12/23/2003	Greg Kraus	PDHO015	9020

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EXAMINER

MAUST, TIMOTHY LEWIS

ART UNIT	PAPER NUMBER
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3751

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/743,921

Applicant(s)

KRAUS ET AL.

Examiner

Timothy L. Maust

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 1-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/23 & 8/16/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Election/Restriction

Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I: Claims 1-14, drawn to a method for cleaning a catalyst reactor vessel, classified in Class 134, subclass 22.1.

Group II: Claims 15-25, drawn to an apparatus for cleaning a reactor comprising a robotic device having a robotic arm, classified in Class 15, subclass 300.1.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (M.P.E.P. § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process such as transferring objects from one place to another with a robotic arm.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, have acquired a separate status in the art because of their recognized divergent subject matter, the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Mark A. Oathout on April 11, 2006 a provisional election was made without traverse to prosecute the invention of Group II, claims 15-25. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-14 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

Joint Inventors

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

DETAILED ACTION

Drawings

The drawings filed on 12/23/03 are informal, since the letters, numbers and lines are not uniform in nature throughout the Figures 1A, 4-7 and 9-11. The correction will not be held in abeyance.

Claim Rejections - 35 USC § 112

Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claim 17, the "reactor vessel", on line, is inferentially included as part of the claimed combination of elements rendering the claims indefinite as to whether the combination of a reactor vessel and a robotic apparatus or subcombination of a robotic apparatus is intended to be claimed. Should applicant intend the "reactor vessel" to be a positive element of the claimed combination, then structural antecedent basis should be provided therefor. If not, the terminology "adapted to be" could be used (i.e., the vacuum line is adapted to be connected through...).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Wightman et al.

In regard to claims 15 and 25, the Wightman et al. reference discloses an "apparatus" (see Figures) comprising a "robotic device" 13 having a "cleaning arm" 2, "stabilizers" (defined by the booms at each corner of the vehicle) and "suctioning means" 14, as claimed.

In regard to claim 16, see "turret" 9 in Figure 1.

In regard to claim 17, see "vacuum line" 7 in Figure 1.

In regard to claim 18, see "remote control station" 44 in Figure 1.

In regard to claims 19 and 23, see “auger device” 5 in Figure 1.

In regard to claim 20, see “articulatable frame assembly” (11 and 12) in Figure 1.

In regard to claim 21, see “fitting” 19 and “nozzle” 1 in Figure 3.

In regard to claims 22 and 24, see “inspection camera” 95 in Figure 11.

In regard to claims 15, 24 and 25, the introductory statement of intended use and all other functional statements have been carefully considered but are deemed not to impose any structural limitations on the claims distinguishable over the Wightman et al. device which is further capable of removing catalyst. Whether the device was actually used in such a manner is dependent upon the performance or non-performance of a future act of use and not upon a particular structural relationship set forth in the claims.

Claims 15, 16, 18, 23 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson.

In regard to claims 15 and 25, the Johnson apparatus (Fig. 1) comprises a “robotic device” 10 having a “cleaning arm” 14.

In regard to claim 16, see “main body” (unlabeled) and “turret” 12.

In regard to claim 18, see “remote control” 44.

In regard to claim 23, see “removing means” 16.

Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Cates et al.

In regard to claim 24, the Cates et al. reference discloses a robotic device and an

inspection camera (see Figures).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Blackburn et al. and Schumacker references pertain to various devices having similar structure to that of the Applicant's.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L. Maust whose telephone number is (571) 272-4891. The examiner can normally be reached on Tue. - Thur. 6:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine R. Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Timothy L Maust